


COUNTY OF YORK

MEMORANDUM

DATE: May 1, 2006 (BOS Mtg. 5/16/06)

TO: York County Board of Supervisors

FROM: James O. Mc Reynolds, County Administrator 

SUBJECT: Application No. UP-677-05, 7-Eleven, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility, located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134). The properties, identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road), are zoned GB (General Business) and are designated for Limited Business development in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Charlotte E. Wormley Estate, c/o Ernestine Yancey (Parcel 37-81); Tessema Berga (Parcel 37-90)
- Location: 3215 Big Bethel Road (Route 600) & 2117 Hampton Highway (Route 134)
- Area: 1.39 acres total
- Frontage: Approximately 250 feet on Hampton Hwy and 260 feet on Big Bethel Rd
- Utilities: The property is currently served by public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Limited Business
- Zoning Classification: GB – General Business
- Existing Development: Single-family detached dwelling
- Surrounding Development:
 - North: Single-family detached dwellings beyond Swain Lane
 - East: Single-family detached dwellings

South: Single-family detached dwellings, Exxon station on opposite quadrant of intersection
West: Single-family detached dwelling

- Proposed Development: 2,807-square foot convenience store with gasoline pumps

CONSIDERATIONS/CONCLUSIONS

1. The applicant proposes to locate a convenience store and 8-station gasoline pump facility on two combined parcels on the northwest corner of Hampton Highway and Big Bethel Road. Proposed access would be via both Hampton Highway and Big Bethel Road.
2. Land use in the vicinity of the property is single-family detached residential, with the exception of the Exxon gasoline station located on the southeast corner of the Big Bethel/Hampton Highway intersection. The closest dwelling to the subject property is located approximately 45 feet from the western property line of parcel 37-81. Distances to other dwellings in the vicinity of the parcel range from approximately 60 to 120 feet.
3. The Comprehensive Plan designates the Hampton Highway/Big Bethel Road intersection as a limited business commercial node. The Plan states “Because of the proximity of residential development, the preferred development within this node includes “9 to 5” businesses and offices that do not adversely affect residential development and do not create significant traffic impacts at peak periods.”
4. The property is subject to Zoning Ordinance Section 24.1-245, Greenbelts, which require an undisturbed 35-foot landscape buffer along Hampton Highway. A proposed approval condition addresses this requirement.
5. Abutting zoning on the northern and eastern sides of the subject property (beyond Swain Lane and Big Bethel Road) is R20 – Medium density single-family residential. In accordance with Zoning Ordinance Section 24.1-243(b), a 35-foot transitional buffer would be required on the applicant’s property where it abuts the R20 district. Section 24.1-243(f) states that “In any situation other than an industrial district abutting a residential district, the required transitional buffer may be reduced to one-half (1/2) the normally required width, or twenty feet (20), whichever is greater.” The applicant’s proposed plan indicates landscape yards of only 20 feet in the required buffer areas. Although the proposed building is located approximately 50 feet from the northern property border, almost half of the area is allocated for a storm water management facility that cannot be landscaped. The applicant is proposing fencing along the northern and western property boundaries. However, given the close proximity of residential uses to the proposed development, I do not feel that the buffers should be reduced to 20 feet, as has been

shown on the applicant's sketch plan. A proposed approval condition addresses this issue.

6. In accordance with Zoning Ordinance Section 24.1-606(j), a minimum of 15 parking spaces would be required for the proposed convenience store use. Plans submitted by the applicant comply with these minimum standards.
7. Access to the site would be via a full-access driveway on Big Bethel Road and a right-in/right-out driveway on Route 134 (Hampton Highway). Staff has concerns, which are shared by the Virginia Department of Transportation (VDOT), about the proximity of the proposed Route 134 entrance to the intersection of Route 134 and Big Bethel Road, which is one of the County's top ten high-crash intersections, with 43 crashes between 1999 and 2003 (the last year for which crash data is available). The Hampton Roads Regional Safety Study, prepared by the Hampton Roads Planning District Commission in May 2003, identified this intersection as having the third highest crash rate (crashes per million entering vehicles) among major non-Interstate intersections in the County during the study period (1998-2000). The study also found that this intersection had the seventh highest "EPDO Crash Rate," which is a measure of the number of crashes per million entering vehicles that also accounts for the severity of each crash by applying higher weights to fatal and injury crashes than to crashes that involve property damage only.

In particular, staff is concerned about the potential for conflicts between vehicles accelerating to merge from Big Bethel Road into the westbound through lanes of Route 134 and those decelerating to turn into the 7-Eleven from Route 134 (similar to the dangerous situation that existed at the former Exxon station on the corner of Route 17 and Route 105). The distance between the intersection and the proposed driveway is approximately 123 feet, which would almost meet the minimum standard for a 30-mph highway; however, the posted speed limit on Hampton Highway is 55 mph, which raises the minimum standard to 275 feet or more, and this intersection's crash history indicates that even the minimum standard might be too low. VDOT has indicated that a 150-foot full right turn lane with a 150-foot taper on Route 134 would be needed for the proposed driveway (see attached correspondence dated February 17, 2006). Staff recognizes that the small size of the site precludes construction of a driveway any further from the intersection; this suggests that a physically constrained location such as this is not an appropriate location for such a high trip generator (4,341 weekday trips, 138 in the AM peak hour and 154 in the PM peak hour).

Safety and traffic flow will no doubt be improved by a programmed VDOT project to add turn lanes to Big Bethel Road both at this intersection and at Victory Boulevard (Route 171); however, these improvements will not address or alleviate the spacing issue noted above. I am concerned that the benefits of this \$2.4 million project to the driving public (i.e., to improve its capacity and to relieve con-

gestion on the Big Bethel Road approaches) would be reduced by the proposed development.

Staff is also concerned about the proximity of the Big Bethel Road entrance to the Route 134 intersection. Although the estimated number of left turns into the site from Big Bethel Road is, according to the applicant's traffic impact analysis, relatively low (12 in the AM peak hour and 9 in the PM peak hour), traffic volumes on this two-lane major collector road are such that the delays caused by just one or two vehicles waiting to turn left during the peak hour can cause serious downstream problems. Without adequate corner clearance (i.e., the distance between the private access drive and the nearest cross-road or driveway intersection), traffic queues could potentially extend into the intersection (in this case, Big Bethel Road and Route 134) and seriously interfere with traffic movement on Route 134. With approximately 250 feet between the entrance and the intersection, staff does not believe that the corner clearance is sufficient. Again, the physical constraints of the site limit its viability for a high trip generator such as a convenience store with gas pumps. If, however, a decision is made to support this use, I believe the situation would be improved with a requirement that the entrance be constructed as a right-in/right-out design.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its April 12, 2006 meeting and conducted a public hearing at which one citizen spoke in opposition to the application, citing negative impacts on surrounding residential uses. Additionally, three citizens contacted the Planning Division prior to the hearing to express opposition to the application, noting concerns with increases in unsafe traffic movements at the intersection and potential safety issues (loitering, crime) if the store and gas station were to be located in close proximity to residences. Following the public hearing, the Commission voted 7:0 to recommend denial of the application, citing incompatibility with the Comprehensive Plan, adverse impacts on abutting residences, and traffic safety issues.

COUNTY ADMINISTRATOR RECOMMENDATION

It is my opinion that the proposed use is not in conformance with *Comprehensive Plan* recommendations as a use that would be a "9 to 5" business or office that does not adversely affect abutting residential development and does not create significant traffic impacts at peak periods. With the exception of the existing Exxon gasoline station across the Hampton Highway/Big Bethel Road intersection, surrounding uses are residential. The proposed use would not be compatible with these uses. The proposed minimal landscape buffers would do little, if anything, to mitigate adverse impacts of such an intense use so near existing dwellings. Decreasing transitional buffers from 35 feet to 20 feet on the north and east sides of the proposed development, as the applicant proposes, exacerbates negative impacts. Finally, the proposed entrances on Route 134 and Big Bethel

Road raise safety and traffic flow concerns because of the lack of adequate distance from the Route 134/Big Bethel Road intersection.

Therefore, based on the considerations outlined above, I recommend that the Board deny Application No. UP-678-05. However, should the Board wish to approve the application, I have proposed approval conditions in the proposed resolution for consideration.

Carter/3337

Attachments:

- Planning Commission minutes excerpts, April 12, 2006
- Zoning Map
- Applicant's Sketch Plan
- Applicant's building and signage elevations
- Correspondence from VDOT dated February 17, 2006
- Proposed Resolution R06-66